

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIO ANTONIO LEMUS,

Case No. 3:21-cv-00425-RCJ-CLB

Petitioner,

v.

ORDER

TIMOTHY GARRETT, *et al.*,

Respondents.

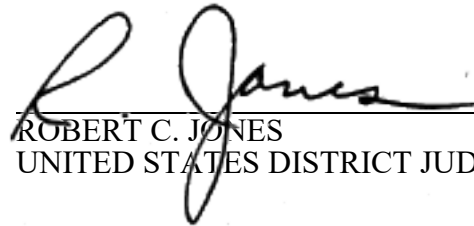
This habeas matter is before the Court on Petitioner Mario Antonio Lemus's failure to comply with the Court's Order (ECF No. 4).

Petitioner initiated this case by submitting a Petition for Writ of Habeas Corpus (ECF No. 1-1) in September 2021, and an application to proceed *in forma pauperis* ("IFP") for incarcerated litigants. (ECF No. 1.) *See* 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On January 14, 2022, the Court denied Lemus's IFP Application and ordered Petitioner to pay the \$5 filing fee within 45 days. (ECF No. 4.) Petitioner was warned that a failure to comply by paying the filing fee would result in the dismissal of this action without prejudice and without further advance notice. (*Id.*) The 45-day deadline expired last month. To date, Petitioner has not filed a completed IFP application, paid the \$5 filing fee, requested an extension of time, or taken any other action to prosecute this case.

IT IS THEREFORE ORDERED:

1. Petitioner Mario Antonio Lemus's Petition for Writ of Habeas Corpus (ECF No. 1-1) is DISMISSED WITHOUT PREJUDICE based his on failure to comply with the Court's Order (ECF No. 4) or the Local Rules of Practice.
2. Petitioner is denied a certificate of appealability, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.

3. The Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as counsel for Respondents. No response is required from Respondents other than to respond to any orders of a reviewing court.
 4. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will file the Petition (ECF No. 1-1) and informally serve the Nevada Attorney General with the petition and this order by sending a notice of electronic filing to the Nevada Attorney General's office.
 5. The Clerk of Court is instructed to enter final judgment accordingly and close this case.
- DATED this 29th day of March 2022.


ROBERT C. JONES
UNITED STATES DISTRICT JUDGE